

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

DOUGLAS McARTHUR	§	
and MARSHA McARTHUR	§	
	§	
VS.	§	CIVIL ACTION NO. G-11-074
	§	
NATIONWIDE MUTUAL FIRE	§	
INSURANCE COMPANY, a corporation	§	

ORDER

For the reasons given in open-court at a Hearing on the “Motion to Enforce Appraisal Award” of Defendant, Nationwide Mutual Fire Insurance Company (Nationwide), the Court **FINDS** that the agreed appraisal of the breach of contract claim of Plaintiffs, Douglas and Marsha McArthur, if it was appropriate at all, is not binding upon them, Dwyer v. Fidelity National Property and Casualty Insurance Co., 565 F.3d 284, 286 (5th Cir. 2009), and it is, therefore, **ORDERED** that Nationwide’s opposed “Motion to Enforce Appraisal Award” (Instrument no. 16) is **DENIED**.

It is further **ORDERED** that the Parties **SHALL** complete all necessary discovery by **March 14, 2014**.

If the case remains on the docket at the close of discovery, the Court **WILL** set a prompt Scheduling Conference to discuss an appropriate trial date.

DONE at Galveston, Texas, this 5th day of November, 2013.



John R. Froeschner
United States Magistrate Judge